

HOUSE BILL 2341  
By Armstrong

AN ACT to amend Tennessee Code Annotated, Section 49-5-415,  
relative to student possession and self-administration of  
certain medications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-415, is amended by adding the  
following as a new, appropriately designated subsection:

(c) Notwithstanding any provision of this title or any other law or rule to the contrary,

(1) In addition to the assistance with self-administration of medications provided  
for in subsection (a), a LEA must permit the possession and self-administration of  
asthma medications by any student twelve (12) years of age or older if the student's  
parent or guardian:

(A) Provides to the school written authorization for student possession  
and self- administration; and

(B) Provides a written statement from the student's health care  
practitioner that the student has asthma and has been instructed in self-  
administration of asthma medications. The statement must also contain the  
following information:

(i) The name and purpose of the medications;

(ii) The prescribed dosage;

(iii) The time or times the medications are to be regularly  
administered and under what additional special circumstances the  
medications are to be administered; and

(iv) The length of time for which the medications are prescribed.

(2) The statements required in subdivision (1) above shall be kept on file in the office of the school nurse or school administrator.

(3) The LEA shall inform the student's parent or guardian that the school and its employees and agents shall incur no liability as a result of any injury sustained by the student from the self-administration of asthma medications. The student's parent or guardian shall sign a statement acknowledging that the school shall incur no liability and the parent or guardian shall indemnify and hold harmless the school and its employees against any claims relating to the possession or self-administration of asthma medications. Nothing in this subsection shall be construed to relieve liability of the school or its employees for negligence.

(4) The permission for self-administration of medications shall be effective for the school year in which it is granted and shall be renewed each following school year upon fulfilling the requirements of subdivisions (1) and (3). The LEA may revoke such possession and self-administration privileges if the student misuses the medication or makes the medication available for usage by another student.

(5) Upon fulfilling the requirements of subdivision (1), a student with asthma may possess and use asthma medications when at school, at a school-sponsored activity, under the supervision of school personnel, or before or after normal school activities while on school properties, including school-sponsored child care or after-school programs.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.